

REMARKS

Claims 1-14 are rejected. Claims 1, 3, 4, 5, 9-14 have been amended of which claim 1 is an independent claim. Claims 1-14 are now pending. Applicants respectfully request reconsideration based upon the amendments to the claims and the remarks herein.

Claims 1-14 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response applicants have amended the base claim to provide clarity and consistency in the claims.

In particular, applicants have amended the preamble to clearly define that a first and second fiber optic links as define in the specification on page 6 line 18 to page 7 line 2. The first splitting section has been clarified with support found on page 7, line 16 – 19, page 12, line 21-22 to page 13 line 1 -2. In addition, the add/drop section has been clarity to define that working channels are received from the first splitting section as disclosed on page 8, line 2-4 and page 13, line 1-2. Finally, the first switching section has been defined to clarify that which the Office Action found unclear. Other dependent claims 3, 4, 5 9 -14 have been similarly amended. Support for this amendment can be found on page 9 line 5 to 10 and page 13 line 3-10. No new matter was added in the amendment to the base claim.

Claims 1-4 are rejected under 35 USC § 103(a) as being unpatentable over Onaka (US 2004/0076426) or Cadeddu (US 5,647,035). In response, applicants have amended the base claims and provide the following comments.

Claim 1, as amended, now recites a two-fiber optical ring network having a plurality of nodes linked by a first fiber optic link and a second fiber optic link and each

fiber optic link including a plurality of protection and working channels, each of the nodes comprising, *inter alia*, a first switching section **a first switching section for combining the protection channels received from the first splitting section with the working channels traveling through the first fiber optic link when there is no link failure between adjacent nodes and for outputting the protection channels received from the first splitting section to the second fiber optic link when there is a link failure between adjacent nodes.**

Applicants wish to thank the Examiner for indicating that neither Cadeddu nor Onaka teach combining the protection channels with working channels as taught by the present invention and now as recited in the amended base claim. Applicants agree that no such feature of combining working and protection channels are taught or suggested by Onaka. As illustrated in Onaka, FIG. 42 working and protection channels are split between 32 channels in the OADM DEVICE 42. Additionally, Cadeddu fails to teach or suggest the combining of protection and combining channels as found in the amended base claims. As illustrated in Cadeddu, FIG. 3-4, the Cadeddu device separates working and protection channels between the OADM 13 not combining the channels. Therefore, both Cadeddu and Onaka fail to teach a first switching section **a first switching section for combining the protection channels received from the first splitting section with the working channels traveling through the first fiber optic link when there is no link failure between adjacent nodes and for outputting the protection channels received from the first splitting section to the second fiber optic link when there is a link failure between adjacent nodes** as recited in the base claim. Applicants respectfully request withdrawal of this ground of rejection.

Claims 1-2 stand provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of co-pending Application No. 10/446,523. In response, applicants note that the base claim as discussed above has been amended to recite features not claimed in co-pending Application No. 10/446,523 claim 1 (combining of protection and working channels). Therefore, applicants respectfully request withdrawal of this ground of rejection.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Applicants would note for the record that the citation to various section of CN1279548A, *inter alia*, in support of the rejection of dependent claims 5-14 under 35 USC § 103(a) is not proper in that applicants do not speak or read Chinese which is the language of that reference. Regardless, since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,



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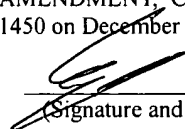
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